

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Wieth et al.

Application No.: 10/581,102

Confirmation No.: 5371

Filed: May 31, 2006

For: TRANSPORT CART WITH ANTI-THEFT
PROTECTION

Group: 3618

Examiner: Katy E. Meyer

Our File: SPT-PT007

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REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Claims 1, 4 and 5 stand rejected under 35 U.S.C. §103 as unpatentable over the combination of U.S. 4,772,880 to Goldstein et al. and U.S. 6,054,923 to Prather et al.

Claim 1 is directed to a transport cart with front and rear rollers, all of which can be steered. The transport cart includes an anti-theft protection device that can be activated automatically as soon as the transport cart is located outside of a permissible area. The anti-theft protection includes at least one of the front rollers and at least one of the rear rollers being fixable in pre-determined steering positions corresponding to a blocking angle, and upon activation, the anti-theft protection automatically moves the rollers into the steering position corresponding to the blocking angle.

Goldstein et al. discloses a transport cart in which the wheels are held in a blocking position via a pair of arms (36, 38) once the cart is moved outside of a pre-

determined area. In Goldstein et al., the arms (36, 38) drop into a blocking position when released. However, as specifically noted in Goldstein et al. at column 3, lines 1-4, "when first lowered, the arms 36 and 38 may ride upon the tread of the wheel 22" (emphasis added). This has the disadvantage that even when the anti-theft protection device of Goldstein et al. is activated, the cart can still be used as long as it is pushed along a straight path such that the arms (36, 38) ride on the tread of the wheel. Goldstein et al. further state "However, the wheel 22 must of necessity move off a directly forward or backward line; and, once it has done so, the arms 36 and 38 drop to their lowest positions" See Col. 3, lines 4 – 7 (emphasis added). This occurs at some random point in time. How does this teach that "the force exerted by the arms (36 and 38) urges the wheels toward a blocking position" as asserted in the Action? By their own statements, Goldstein et al. indicate the actual anti-theft effect is random and depends upon an external, unpredictable circumstance, namely that the cart is turned enough such that the arms (36, 38) no longer ride on the tread and drop down so that the wheel is held in a blocked position. It appears that the Action is improperly attributing more to Goldstein et al. than is actually disclosed in this reference.

Further, if the arms 36 and 38 "drop" into position, this does not suggest or disclose that "upon actuation, the anti-theft protection device automatically moves the rollers into the steering position corresponding to the blocking position" as required by claim 1.

Finally, the wheel of Goldstein et al. is not fixed in a pre-determined steering position corresponding to a blocking angle, but rather is merely constrained to a range of movement of from 5° to 30° or between 5° and 15°. See column 3, lines 10-15. Thus, the Goldstein et al. device roller is still steerable albeit to a much more limited extent, but it is not fixed in a pre-determined steering position corresponding to a blocking angle as is required by claim 1.

In Goldstein et al., it is clear that the anti-theft protection device does not automatically move the rollers into the steering position corresponding to the blocking angle upon activation, but rather is dependent upon an external movement of the

wheels out of an aligned position. Goldstein et al. therefore would not stop theft of the cart to which it is attached as long as it continues to travel in a straight line. Further, even when actuated, some steering is still possible between a range of between 5° and 30° or between 5° and 15°. In view of these differences, Goldstein et al. lacks several of the features recited in claim 1, including the fact that the anti-theft device of Goldstein et al. does not act on a rear wheel.

The Action cites Prather et al. as teaching an anti-theft device wherein the device automatically acts on the rear wheels and the front wheels. However, this reference does not address the other deficiencies noted above in connection with Goldstein et al. and accordingly, even if combined as suggested in the Action, this combination does not teach all of the elements recited in claim 1.

With respect to claims 4 and 5, these claims depend from claim 1 and should be similarly patentable for the reasons noted above in connection with claim 1.

Further with respect to claim 5, this claim recites that following activation of the anti-theft protection, a force occurs which causes one of the rollers to rotate into an oblique position of the blocking angle. This requires an active force to rotate one of the rollers. As explained above, this is absent in Goldstein et al. See in particular column 3, lines 1-5.

Claim 6 stands rejected under 35 U.S.C. §103 as unpatentable over the combination of Goldstein et al. and Prather et al., further in view of U.S. 6,102,414 to Schweninger.

Claim 6 depends from claim 1 and further recites that upon activation of the anti-theft protection, a spring-loaded bolt latches immediately into a recess on the roller as soon as the steering angle corresponds to the blocking angle.

Schweninger is cited as teaching an anti-theft protection device with a spring-loaded bolt that latches in a recess. However, the device of Schweninger merely locks the roller in an existing position based on where the roller is currently facing depending upon which of the teeth (88) it is engaged between. Compare Figures 8 and 9. Thus, there is still no suggestion or disclosure of automatically moving the rollers


into the steering position corresponding to the blocking angle in this reference.

Thus, even if combined, these references lack one of the elements recited in claim 6. Accordingly, withdrawal of the Section 103 rejection of claim 6 is respectfully requested.

Reconsideration of the Section 103 rejections of all claims is therefore requested.

Respectfully submitted,

Wieth et al.

By / Randolph J. Huis / 
Randolph J. Huis
Registration No. 34,626
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
RJH/dmm